

2018 -- H 8011

LC005303

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO EDUCATION - HEALTH CARE SAFETY OF PUPILS

Introduced By: Representatives Slater, Diaz, Marshall, Bennett, and Edwards

Date Introduced: March 29, 2018

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
2 hereby amended by adding thereto the following section:

3 **16-21-37. Student possession and administration of medical marijuana.**

4 (a) A primary caregiver or school nurse-teacher or the school nurse's designee, who may
5 or may not be an employee of the school, may possess, and administer to a student who holds a
6 valid authorization for the use and possession of medical marijuana, medical marijuana in a
7 nonsmokeable form upon the grounds of the preschool or primary or secondary school in which
8 the student is enrolled, or upon a school bus or at a school-sponsored event. The primary
9 caregiver or school nurse-teacher or the school nurse's designee shall not administer the
10 nonsmokeable medical marijuana in a manner that creates disruption to the educational
11 environment or causes exposure to other students.

12 (b) After the primary caregiver or school nurse-teacher or the school nurse's designee
13 administers the medical marijuana in a nonsmokeable form, the primary caregiver or school
14 nurse-teacher or the school nurse's designee shall remove any remaining medical marijuana in a
15 nonsmokeable form from the grounds of the preschool or primary or secondary school, the school
16 bus, or school-sponsored event.

17 (c) No school nurse-teacher shall be liable for civil damages that may result from acts or
18 omissions relating to the use and/or administration of medical marijuana that may constitute
19 ordinary negligence; nor shall the school personnel mentioned in this section be subject to

1 criminal prosecution that may result from acts or omissions in the good faith administration of
2 medical marijuana. This immunity does not apply to acts or omissions constituting gross
3 negligence or willful or wanton conduct.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would allow a school nurse-teacher and school nurse's designee to possess and
2 administer properly authorized medical marijuana to a student at school. It would also provide
3 protection from criminal prosecution and limit civil liability if they possess and administer
4 medical marijuana to students at school.

5 This act would take effect upon passage.

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